

# SECRET STRUGGLE TO FREE GUS HERTZ FROM THE VIETCONG

Hearbreaking effort  
to get back kidnaped  
U.S. official—  
if he is still alive

CPYRGHT



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# The Fight To Make the Vietcong Let Him Go

Gustav Crane Hertz is the highest-ranking American to be taken prisoner by the Vietcong. His kidnaping in February 1965 drew only brief attention. But 30 months later he is still missing and a growing *cause célèbre*. When a V.C. broadcast, monitored a month ago, indicated that Hertz may have been executed, it was headline news across a nation grown more and more concerned over the toll of Vietnam. What has never been disclosed is the, far-ranging, cloak-and-dagger effort made—under intensive pressure from his family—to gain the release of Hertz. Complicated, frustrating, and as yet unavailing, the struggle to free him involved several governments and an unlikely assortment of officials and private citizens.

Hertz went to Saigon in 1963 as Chief of Public Administration for the Agency for International Development there. He was no desk-bound bureaucrat. His dedication undiminished by Vietcong terror, he traveled all over South Vietnam, teaching civil administration in its war-racked villages and hamlets.

The people who have worked to save Gus Hertz give their account at this time in the hope that his Vietcong captors may yet be persuaded to announce whether or not he is alive and, if he is, to set him free.

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# Hertz's

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## Unfinished

by RICHARD B.  
STOLLEY ✓

## Bike Ride

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Gustav Hertz got on his motorcycle at about 2:30 p.m. on Tuesday, Feb. 2, 1965 and rode off for what was meant to be an hour's relaxing spin through Saigon. By early evening, his distraught wife reported him missing to the MPs. But the search for him got off to a fitful start. It was the Lunar New Year, and the Vietcong had for the past two years observed a truce of sorts over the holiday. This, plus the fact that up to that time no other U.S. civilian adviser had been kidnaped by the V.C., made American authorities reluctant to believe that Hertz had actually been captured. Perhaps, they suggested, he had simply stopped off to have dinner with some of his many Vietnamese friends. But Mrs. Hertz insisted, and so MPs were sent out to talk to her.

She still remembers with distaste their questioning. "They were boys of 19 and 20, and all they wanted to know was what bars my husband frequented and what girls he went around with," she says. "They wouldn't believe the V.C. had him. It took two days before they even went up the road to look for him."

As it happened, Presidential Assistant McGeorge Bundy arrived in Saigon for an inspection visit 40 hours after Hertz took his motorcycle ride. As Bundy's party disembarked from the plane at Tan Son Nhut airport, a Saigon AID man came up to Chester Cooper, a Bundy assistant, and quietly told him, "We've just been informed that our Public Administration guy has been kidnaped."

The pace of the search stepped up immediately, but even this be-

lated effort was considered a foolish exercise by some. "Within four minutes after the V.C. got Hertz," a State Department official has said, "they had him hidden where we never could have found him."

On Feb. 12, Mrs. Hertz received by regular mail an envelope containing two letters. One was in Gus's unmistakable handwriting. He said he was all right and would be released within seven days. But there were disturbing things about the letter. For example, its salutation was formal—"Dear Solange." Gus always addressed his wife by her nickname, "Nellie."

The second letter was written in Vietnamese and was signed by a man who identified himself as a representative of the Vietcong in the village of Thu Duc, five miles north of Saigon. By now the investigators knew that Gus had been seen in the village the day he was captured, pushing his motorcycle and apparently under armed guard. The letter instructed Mrs. Hertz to follow certain steps if she wished to discuss with the Vietcong her husband's release. But the date set for a meeting was four days before she got the letter.

During the next few weeks, Mrs. Hertz did what she could, virtually alone, to find out something about her husband. The U.S. bureaucracy—geared up to conduct a war—really had no official procedure for dealing effectively with the disappearance of a civilian. For example, the CIA representative she consulted seemed to her to be totally unfamiliar with the details of the case.

Nellie Hertz also tried the Catholic clergy, which has many contacts in the Vietnamese countryside. And when she was told that

the French mission in Hanoi had been able to get word of people who fell into Vietcong hands, she appealed to the French.

Nothing seemed to work. Her despair was all but complete when she read a news story labeling her husband one of only 20 Americans in South Vietnam who had access to the classified plans for pacification of the country. True or not—Mrs. Hertz thought it was not—she feared that the report embellishing Gus Hertz's importance would heighten the Vietcong's interest in holding onto him.

By early March, the U.S. was enlarging its troop commitment in South Vietnam, and with other American dependents, Mrs. Hertz was ordered, against her wishes, to leave the country. She and her five children returned to the family home at Leesburg, Va.

Leesburg is only 40 miles from Washington, and this proximity, plus the exertions of Gus's brother, Burke Hertz, a Falls Church, Va. attorney, were to enable the family to apply extraordinary and persistent pressure on the State Department and the White House itself to win freedom for Gustav Hertz.

On March 30, 1965, the U.S. Embassy in Saigon was bombed by Vietcong terrorists. One of the V.C. agents, Nguyen Van Hai, was caught, swiftly tried and condemned to death by the Saigon government. Both the clandestine Vietcong radio station and Radio Hanoi immediately warned that if Hai were executed, Hertz would be too. Until a plan to free Hertz could be devised, therefore, the immediate problem was to keep Hai

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Continued

Chi Haing  
Giao Vinh.

Madam Dear Salange  
entz

Apparently I've  
been captured for  
the Fronte N L das Soc/Vestru  
I will be kept for  
7 days.

I'm O.K.  
Love to you  
to Tony & Gustav.

# KEY MEN IN THE EFFORT TO FREE HERTZ



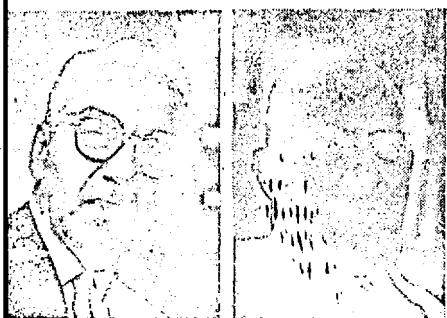
NGUYEN HUU THO

SIHANOUK



GUELLAL

KENNEDY



COOPER

SCHWARTZ

alive. That ran counter to the mood of the South Vietnamese. "Hai's bomb had killed many more Vietnamese than Americans—shopkeepers, policemen, mothers and children," explains Chester Cooper, who handled the Hertz case for the White House. "The government of South Vietnam couldn't ignore this outrageous crime."

Each time Hai's execution was scheduled, U.S. officials pleaded for a postponement. Cooper remembers one telegram from Ambassador Maxwell Taylor saying there was great pressure in Saigon from the police and the families of the bombing victims, and he did not think Hai's death by firing squad could be delayed any longer. Somehow it was.

In June 1965, Prime Minister Nguyen Cao Ky came into office with a promise to carry out death sentences against all terrorists. Only under unremitting pressure from the U.S. ambassador did Ky

eventually agree to execute Hai. There were eight, maybe 10 near-misses like that," Chester Cooper remembers.

While the Administration was concentrating on preventing Hai's death, the Hertz family approached members of Congress for help. The first one contacted was Senator Robert Kennedy, who lives in nearby McLean, Va. The senator, after clearing with the Administration, paid a visit to an old friend, the Algerian ambassador, Chérif Guellal. In 1962 the National Liberation Front, political organization of the Vietcong, had established in Algiers its first mission outside Vietnam. Would the Algerian government, Kennedy asked Guellal, consider intervening with the N.L.F. on behalf of Hertz?

That same day Guellal telephoned Ben Bella, then Algeria's president, who consented to try. Within a few days, Guellal reported back to Kennedy that the N.L.F. representative in Algiers, a one-time guerrilla fighter named Huynh Van Tam, had said his organization would agree to an even exchange—Hertz for Hai. The Algerians further reported that Tam had voluntarily extended their discussion to include all prisoners then held by the Vietcong, military as well as civilian, saying that it was difficult to care for them properly because the V.C. had to move so swiftly around the countryside. Even the matter of the logistics of a Hertz-for-Hai swap was discussed. One plan was to ask Senator Kennedy to come to Algiers, where Hertz would be handed over to him. "I am convinced," Ambassador Guellal says today, "that the N.L.F. was very, very ready."

Quietly, Kennedy referred the N.L.F. exchange offer to the White House and the State Department. There, however, the proposal ran into several arguments against it. Among these:

- The U.S. should not negotiate separately in this fashion with the Vietcong.
- We ought not to trade a civilian for a convicted terrorist.
- We would be setting an unfortunate precedent that could result in a new kidnapping every time a terrorist was caught and condemned.
- A larger exchange—say, 30 for

30 or 100 for 100 mostly Vietnamese—would be far preferable. counteracting any suspicion that white prisoners were more important to us than Orientals.

But the overwhelmingly persuasive argument against the Hertz-for-Hai exchange was pragmatic and political: the continuing fear that the South Vietnamese government, first of Premier Phan Huy Quat and later Premier Ky, would collapse under pressure from political opponents exploiting Hai's release. The hard decision—not even to bring up with Saigon the question of an exchange—finally was made in Washington.

When the Hertz family was told, they were bewildered and angry.

"Why can't we ask Saigon to give us one insignificant boy?" Burke Hertz pleaded with U.S. officials. "Executing Hai or making him spend the rest of his life in jail isn't going to bring his victims back to life."

The Hertzes demanded, and were granted, personal meetings with both Ambassador Taylor, when he was back home temporarily, and with Henry Cabot Lodge, who had been Taylor's predecessor. "A long list of illustrious people explained to us at long length that an exchange was unthinkable," Burke recalls. "They were very kind, polite and nice. But it was as if we had asked for the Pyramids to be moved." A high U.S. diplomat in Saigon at the time explained more bluntly: "Hertz is only one man in a big war. We can't risk it."

"My husband was being sacrificed," Nellie Hertz says, "to maintain the fake image that the U.S. had absolutely nothing to do with the politics and government of South Vietnam. I felt that way then and I feel the same today."

Until he left the White House in March 1966, Chester Cooper continued to work tirelessly on the Hertz case, although he had never set eyes on the man. "There was a time when I used to dream about this guy," Cooper, a normally phlegmatic ex-CIA man, recalls. "It was traumatic, especially when I thought we were close to springing him." Today Chester Cooper is conspicuously exempt from the Hertz family's general bitterness toward the U.S. government.

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In mid-1965, intelligence sources in Saigon picked up a report that the Vietcong would be willing to turn Hertz over to two MPs—no more than two—if they parked their Jeep on a street corner in a Vietcong-controlled suburb. The only condition was that Hertz had to leave the country within 12 hours. Codes and passwords were quickly worked out, a military plane was ordered to stand by to evacuate Hertz to Clark Air Force Base in the Philippines and, at great peril to themselves, two MPs drove to the designated street. For one long jittery day, they sat there—with no results.

That night the "contact" instructed them to try again next day. The Jeep returned. This time a Vietnamese in black pajamas—the traditional Vietcong uniform—approached and asked the prescribed question in English. The MPs replied with the proper code word, and waited expectantly. The Vietnamese simply stared at them, then walked away. That was the perplexing end of that.

The family, still convinced that a Hertz-for-Hai exchange was the most promising avenue of negotiation, decided on a direct approach to the South Vietnamese government. Crane Hertz, Gustav's 27-year-old son, who was then a student at Fordham, arranged to meet Saigon's newly appointed ambassador to the U.S., Vu Van Thai, and bluntly asked Ambassador Thai about the possibility of exchanging Hai for his father. Thai said he would look into it. Hai now had been in prison eight months, and some of the high public emotion in South Vietnam over his act of terror had diminished. After further inquiries, Premier Ky was asked if he would be willing to release Hai for the captured American. He agreed at once.

Just before Christmas 1965, Chester Cooper and Abba P. Schwartz of the State Department flew to Geneva to ask the International Committee of the Red Cross to act as intermediary. A Red Cross official went to Algiers, had tea with N.L.F. representative Tam and put forth the U.S. proposal. Essentially it was the same as the offer made by the Vietcong, and rejected by Washington, nine months earlier.

Tam not only agreed to trade Hertz for Hai but also casually suggested that the talks might be "broadened" if the U.S. were interested. Added to the fact that on Dec. 24 the U.S. had begun what was to stretch into a 37-day suspension of its bombing of North Vietnam, the feeler suddenly assumed huge significance. Coded top-secret cables flew back and forth between Washington and Schwartz, who relayed through the Red Cross the reply to Tam: Yes, the U.S. was interested, and why not meet under the Red Cross flag in Geneva?

Schwartz returned briefly to Washington to give a personal report on this surprisingly hopeful development. The South Vietnamese government had, of course, been kept informed. The "broader" discussions were expected to include negotiations on a general prisoner exchange, at the least; possibly even on a cease-fire. Within the State Department there were even assessments of whom to send over as chief U.S. delegate to the talks with the N.L.F. Gus Hertz had become but one detail in a flurry of diplomacy his family had set off.

Abba Schwartz hurried back to Geneva. The prospects seemed so promising that he actually met with the Red Cross to select rooms which might be used for meetings. But in mid-January Tam abruptly and brusquely broke off talks.

The State Department now assumes that Tam had exceeded his authority in proposing broader talks and had been slapped down by N.L.F. headquarters in Vietnam. He has since been replaced in Algiers.

After that, hope for Hertz's return dwindled. It was revived briefly by a bizarre episode in Saigon. In February 1966, Cooper was back in Vietnam and in a meeting with key members of the U.S. mission when he was handed a note. It said that a local Vietcong unit was offering to ransom Hertz.

A Vietnamese contact said Hertz was being held near the capital, and a million piasters—at that time about \$20,000—would buy the American's freedom. The money certainly was no problem. Former Ambassador Taylor has ad-

mitted, "We had sums available to anybody to pay."

In the next six weeks the details of the ransom offer were gone over by U.S. intelligence agents. "It was a complicated but credible deal," Cooper says. The Vietnamese contact was shown a picture of Hertz and sent back to the V.C. unit. He returned, swearing that he had recognized and talked with the kidnapped official.

The contact was to deliver the money to the Vietcong. Blindfolded, Hertz was to be led by a small boy to a road. There he would be picked up and delivered to a bus, which would take him into Saigon. U.S. authorities were ready.

But at the appointed time, the contact took the million piasters and simply disappeared into the jungle. (Later—by means which no one will talk about in Washington—more than half of the ransom money was recovered. "Our guys weren't the patsies they were made out to be," Cooper says. "We estimated it had one chance in four of working out. That was good enough.")

In spite of the savage succession of disappointments, the Hertz family has fought off hopelessness. They have continued to write to Gus regularly and to send packages of food and medicine through the N.L.F. office in Algiers and the Red Cross headquarters in Geneva, although they have never been sure any of it was getting through.

The family also has continued to put out feelers all over the world, and the tangled grapevine has produced a rich harvest of rumors: that Gus was in Hanoi or on the Cambodian border or teaching English to Vietcong children, that he was sighted around Saigon.

Back home in Virginia, the family was afflicted with the demented phone calls that inevitably seem to follow the headlines. "I hope they're using knives on your brother," croaked one old lady, "right now, and slowly." But there were acts of kindness and love, too. A Berryville, Va. doctor—a man in his 60s who had served six months' voluntary medical duty in South Vietnam and had heard about Gus Hertz—asked Senator Harry F. Byrd Jr. to help him. He wanted to offer himself to the Vietcong as

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a hostage so that Gus could be reunited, if only temporarily, with his family. "It was a rare, rare human gesture," says Burke Hertz.

Abba Schwartz continued to work for Gus's release, even after he left the government for private pursuits in March 1966. A year ago, Schwartz appealed "on a humanitarian basis" for definite news of Hertz from the erratic Prince Sihanouk of Cambodia, who has established formal diplomatic relations with the N.L.F. Surprisingly, Sihanouk responded in a matter of weeks, sending Schwartz the original of a letter to the Cambodian leader from Nguyen Huu Tho, president of the N.L.F. It stated that Hertz was being treated "humanely" and was in "rather good" health. Thrilled as they were by news that Gus was alive, the Hertz family worried over that qualifying word "rather." At the time he disappeared, Gus was having stomach trouble and was losing weight.

Last December, Burke Hertz wrote President Tho, begging for the release of his brother during the upcoming holidays. Instead, in early 1967, the Vietcong set free two GIs, two American construction workers and a Filipino woman. As a condition of their release, all signed statements, which the State Department describes as "moderately critical of U.S. policy" in Vietnam. The supposition is that Gus Hertz, if presented such a statement, as a U.S. official would refuse to sign.

Nothing more was heard until a garbled June 15 broadcast by the

Vietcong radio station. This gave the Hertz family the assurance that had been executed.

For a number of reasons, the Hertz family still clutches at hope: the name given in the broadcast was not pronounced "Hertz," but only sounded more like it than the names of the other men known to be prisoners of the V.C. No reprisal threats against Hertz have been made public since 1965. And finally, Hai, the man whose fate was interlinked with that of Hertz, is still alive in a prison outside Saigon.

Abba Schwartz, among others, does not believe Hertz was executed—"It would be self-defeating for the Vietcong so soon after their letter to Sihanouk"—and his effort to get clarification from the N.L.F. is only one of a half-dozen presently being made.

Privately, however, many of the people involved in trying to free Gus Hertz suspect that he has died—of starvation or disease—perhaps months ago. Even Burke Hertz admits: "This broadcast may be their way of finally telling us."

In facing up to the real possibility that all the efforts of the past 30 months may have been futile, Burke has taken upon himself the obligation of sparing, if possible, other American families from the same kind of anguish. Not long ago he wrote a memo to Chester Cooper, who now fills a State Department post, recommending the establishment of a

high-level government group—State Department, Pentagon, CIA, etc.—to use "full-time initiative and effort" in dealing with the capture of U.S. civilians in the future. For the past few months such matters have been handled, on a part-time basis, by a member of Under Secretary of State Nicholas Katzenbach's staff.

"Our case was a headache that just got passed along," Burke says. "There was no place in the Table of Organization for it. Suppose we had lived out in Iowa or Nebraska, instead of right here, with the friends in government we have acquired. How much effort would have been made?"

"My brother won't be the last American civilian kidnaped," says Burke Hertz. "If nothing else comes of this, I want to end up improving the next guy's chance."